

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES KARIM MUHAMMAD,

No. C 12-02407 CRB

Plaintiff,

**ORDER RE-SETTING HEARING**

v.

KEVIN J. BERRETH,

Defendant.

Defendants Terese McNamee, Kevin J. Berreth, and R. Mac Prout filed two motions to dismiss Plaintiff's First Amended Complaint. See Mots. (dkt. 52, 53). Plaintiff failed to timely file an opposition brief to either motion, and so the Court ordered him to show cause why his case should not be dismissed for failure to prosecute under Federal Rule of Civil Procedure 41(b). See OSC (dkt. 63). Plaintiff timely responded to the OSC, see Response (dkt. 68), and so the Court will not dismiss his case for failure to prosecute. However, the Court will allow McNamee, Berreth, and Prout to file a Reply brief, by 5:00 p.m. on January 14, 2013, if they wish to do so. The hearing on those motions is hereby RE-SET for February 15, 2013 – the same date as the motion to dismiss filed by defendant Superior Court of the State of California (dkt. 62).

**IT IS SO ORDERED.**

Dated: January 8, 2013

  
CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE